

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KECIA HENDRIX,

Plaintiff,

v.

No. 3:20-cv-00437-N-BT

IQOR, INC., et al.,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated June 7, 2021. The Court has made a *de novo* review of the portion of the proposed Findings, Conclusions, and Recommendation to which Defendant iQor Holdings US, LLC objected, sustains iQor's objection, and accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge in part.

Defendant iQor argues in its Objection that "the Court can, and should, take judicial notice of the right-to-sue notice the EEOC sent to Plaintiff and sustain iQor's objection to the Recommendation's failure to deny it[s] motion to dismiss Plaintiff's sole remaining claim for retaliation under Title VII." Obj. 3 (ECF No. 44). Because Plaintiff's right-to-sue notice from the EEOC, dated May 29, 2019, is now before the Court and demonstrates that Plaintiff filed her lawsuit more than 90 days after receiving that notice, the Court SUSTAINS iQor's objection and finds that Plaintiff's Title VII discrimination and retaliation claims are time-barred. Def.'s App. 3 (ECF No. 45); Compl. (ECF No. 3) (indicating Plaintiff filed her lawsuit on February 21, 2020); 42 U.S.C. § 2000e-5(f)(1)

(requiring a plaintiff to file suit in federal court within 90 days of being notified of her right to sue by the EEOC).

Accordingly, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge in part and GRANTS Defendant iQor's Rule 12(b)(6) motion to dismiss (ECF No. 27) in full. The Court, therefore, DISMISSES Plaintiff's 42 U.S.C. § 1981, Texas Commission on Human Rights Act, Title VII discrimination, and Title VII retaliation claims with prejudice as time-barred.

SO ORDERED, this 19th day of July, 2021.



DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE